

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------------------------|---|----------------------------|
| In re Application of: |) | |
| |) | Group Art Unit: Unassigned |
| John N. De La Vergne |) | |
| |) | Examiner: Unassigned |
| Application No.: 09/773,524 |) | |
| |) | |
| Filed: February 2, 2001 |) | Date: February 18, 2008 |
| |) | |
| For: METHOD AND APPARATUS FOR |) | |
| UTILIZING THE FULL CAPACITY | | |
| OF A PARTICULAR OF MINE | | |
| HOIST FOR EXCAVATING DEEP | | |
| SHAFTS | | |

Assistant Commissioner for Patents
U.S. Patent and Trademark Office
Office of Initial Patent Examination's
Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED FILING RECEIPT

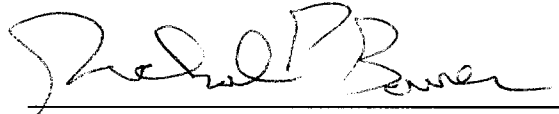
Dear Sir:

The Filing Receipt for the above-referenced application is incorrect. In the "Applicant(s)" section, the name of the applicant should read --John N. De La Vergne--. The correction is noted on the attached copy of the Filing Receipt which was mailed by the Office on August 23, 2007. Also, attached is a copy of the declaration which shows the Applicant's name and signature as John N. De La Vergne.

Applicant respectfully requests that a Corrected Filing Receipt be mailed for this application

Applicant's undersigned attorney can be reached at (202) 625-3500. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Bauer", written over a horizontal line.

Richard P. Bauer
Attorney for Applicant
Registration No. 31,588

Patent Administrator
Katten Muchin Rosenman LLP
1025 Thomas Jefferson Street, N.W.
East Lobby, Suite 700
Washington DC 20007-5201



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO. | TOT CLAIMS | IND CLAIMS |
|--------------------|--------------------------|--------------|---------------|------------------|------------|------------|
| 09/773,524 | 02/02/2001 | 3671 | 505 | 216224.00043 | 25 | 4 |

CONFIRMATION NO. 6272

27160

PATENT ADMINISTRATOR
KATTEN MUCHIN ROSENMAN LLP
1025 THOMAS JEFFERSON STREET, N.W.
EAST LOBBY: SUITE 700
WASHINGTON, DC 20007-5201

UPDATED FILING RECEIPT

Date Mailed: 08/23/2007

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections

Applicant(s) *DeLa*
John N. Vergne, North Bay, CANADA;

Power of Attorney:
Richard Bauer--31588

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/180,044 02/03/2000

Foreign Applications

If Required, Foreign Filing License Granted: 03/09/2001

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is
US09/773,524

Projected Publication Date: 11/29/2007

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Preliminary Class

175

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

| | | | | | |
|---|--------------------|------------------------|------------------|----------------------|--|
| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) | | Attorney Docket Number | | 216224-00043 | |
| | | First Named Inventor | | JOHN N. DE LA VERGNE | |
| | | COMPLETE IF KNOWN | | | |
| <input type="checkbox"/> Declaration Submitted with Initial Filing <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing. Surcharge under 37 CFR 1.16(e) required. | Application Number | | 09/773,524 | | |
| | Filing Date | | February 2, 2001 | | |
| | Art Unit | | Unassigned | | |
| | Examiner Name | | Unassigned | | |

AS THE BELOW NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR UTILIZING THE FULL
CAPACITY OF A PARTICULAR TYPE OF
MINE HOIST FOR EXCAVATING DEEP SHAFTS**

☒ is attached hereto

or

☒ was filed on (MM/DD/YYYY) February 2, 2001 as United States Application Number or PCT International

Application Number 09/773,524 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

PRIORITY INFORMATION:

I hereby claim domestic priority benefits under 35 USC 119(e) of any provisional application listed below.

I hereby claim domestic priority benefits under 35 USC 120 of any United States application, or 365(c) of any PCT international application designating the United States listed below.

I hereby claim foreign priority benefits under 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application for patent, inventor's or plant breeder's rights certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Domestic or Foreign Application Number(s) | Country | Filing Date (MM/DD/YYYY) | Priority Claimed | Certified Copy Attached? (for FOREIGN only) | |
|--|---------|-----------------------------|--------------------------|--|--------------------------|
| | | | | YES | NO |
| 60/180,044 | USA | February 3, 2000 | Yes | <input type="checkbox"/> | No |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ additional domestic and/or foreign application numbers are listed on a supplemental priority data sheet attached hereto.

DECLARATION – UTILITY OR DESIGN PATENT APPLICATION

CORRESPONDENCE ADDRESS:

| | | | | | | |
|-------------------------------|-------------------------------------|-----------------------------------|--------------|----|--------------------------|------------------------------|
| Direct all correspondence to: | <input checked="" type="checkbox"/> | Customer Number or Bar Code Label | 27160 | or | <input type="checkbox"/> | Correspondence address below |
|-------------------------------|-------------------------------------|-----------------------------------|--------------|----|--------------------------|------------------------------|

Name

Address

City

State

Zip

Country

Telephone

Fax

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:☐ A petition has been filed for this unsigned inventorGiven Name (first and middle): **JOHN N.**Family Name or Surname: **DE LA VERGNE**Inventor's Signature: *John de la Vergne*Date: **02 MAY 2007****Residence:**

City

State

Country

Citizenship **Canadian****Mailing Address:**Street **676 Cooks Mill Road**City **North Bay**

State

Zip

Country **Canada****NAME OF SECOND INVENTOR:**☐ A petition has been filed for this unsigned inventor

Given Name (first and middle):

Family Name or Surname:

Inventor's Signature:

Date:

Residence:

City

State

Country

Citizenship

Mailing Address:

Street

City

State

Zip

Country

NAME OF THIRD INVENTOR:☐ A petition has been filed for this unsigned inventor

Given Name (first and middle):

Family Name or Surname:

Inventor's Signature:

Date:

Residence:

City

State

Country

Citizenship

Mailing Address:

Street

City

State

Zip

Country

☐ Supplemental Additional Inventors(s) Sheets(s) are attached hereto.